

REMARKS

Pursuant to 37 C.F.R. 1.178(b), Applicants state that they have no current knowledge of, and do not believe there are any prior or concurrent proceedings in which the '231 patent is involved, including interferences, reissues, reexaminations, or litigations.

Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 251 as having a defective reissue oath/declaration. To obviate this rejection, a Supplemental Declaration signed by the inventors is attached.

In response to the errors listed, the inventors hereby restate, under MPEP 1414.01(I), the error relating to the “using the determination of the net transaction to deposit funds to or withdraw funds from said single insured money market deposit account,” to clarify that the element is limited to the operation of withdrawing funds from the insured money market deposit account more than six (6) times during a month while retaining its insured and interest bearing status.

Regarding the examiner’s comment to identify an additional error in the declaration, it is noted that the two other errors recited in the original Reissue Declaration continue to be corrected in the current claims. In particular, the term for the client accounts has been changed from the “demand accounts” recited in the original claims for U.S. Patent No. 6,374,231, to “transaction accounts.” Likewise, the limitation “authorizing or rejecting the use of funds in a particular client’s demand account for each demand payment requested from that client’s account” has been deleted. Thus, under MPEP 1414(I), there is no need to state another error which is relied upon to support the reissue application.

Applicants representative spoke to a Mr. Joe Narcavage of the Inventor Assistance Center regarding the errors recited in the originally filed Reissue Declaration and the procedure to follow under MPEP 1414.01 if there is a need to restate one of the errors, e.g., the error relating to the claim element “using the determination of the net transaction to deposit funds to or withdraw funds from said single insured money market deposit account.” Applicants representative also inquired which supplemental declaration form to use. Mr. Narcavage consulted with a Mr. Ken Shor of the Patent Legal Department. Mr. Narcavage

stated that the standard Form PTO/SB/51S should be used. He stated that this form will continue to cover all errors stated in the originally filed Reissue Declaration. He stated that any change to one of the originally recited errors should be set forth in the Remarks section of our Response and that there was no need to recite additional errors if at least one of the original errors continued to be corrected in the claims.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS relate to similar kinds of products, although the claims are clearly patentably distinct, and some of these applications have received office actions:

10/825,440 filed 4-14-04 (Office Action with rejection) (Present case)

09/677,535 filed 10-2-00 (Notice of Allowance)

10/071,053 filed 2-8-02 (Notice of Allowance)

10/305,439 filed 11-26-02 (Office Action with rejection)

11/149,278 filed 06-10-05 (Office Action received)

10/382,946 filed 03-06-03 (Notice of Allowance)

10/411,650 filed 04-11-03 (Notice of Allowance)

11/641,046 filed 12-19-06 (Office Action with rejection)

11/689,247 filed 3-21-07 (Office Action with rejection)

11/767,827 filed 6-25-07 (Office Action with rejection)

11/767,837 filed 6-25-07 (Office Action with rejection)

11/767,846 filed 6-26-07 (Office Action with rejection)

11/767,856 filed 6-25-07 (Office action with rejection)

11/840,064 filed 8-16-07 (Office Action with rejection)

11/840,060 filed 8-16-07 (Office Action with rejection)

11/840,052 filed 8-16-07 (Office Action with rejection)

11/932,762 filed 10-31-07 (Office Action with rejection)

12/271,705 filed 11-14-08

12/025,402 filed 2-04-08

12/340,026 filed 12-19-08.

The examiner is invited to review these other co-pending applications as he deems appropriate.

Applicant believes that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 11, 2009

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By 

William T. Ellis
Attorney for Applicant
Registration No. 26,874